Social Services Appeal Board of Saskatchewan

Annual Report 2015 - 2016

Letter of Transmittal

Honourable Tina Beaudry-Mellor
Minister of Social Services

Dear Ms. Beaudry-Mellor:

I hereby respectfully submit the Annual Report of the Social Services Appeal Board for the one year period ending March 31, 2016.

Joanne Moser
Co-Chairperson

Rita D. Crone
Co-Chairperson

Preface

The Annual Report, presented to the Minister of Social Services provides a description of the Social Services Appeal Board, its mandate, development and procedures, and a summary of the nature of appeals heard by the Board during the year April 1, 2015 to March 31, 2016.

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Introduction

The ***Social Services Appeal Board*** is an independent tribunal whose role is to determine if clients have been treated fairly and in accordance with the Regulations pertinent to Saskatchewan Assistance Program (SAP), Saskatchewan Assured Income for Disability (SAID) and Transitional Employment Allowance (TEA).

Legal authority is provided by *The Social Services Administration Act*, Section 10; *The Saskatchewan Assistance Act*, Sections 14(l)(m)(n), 15-18; *The Saskatchewan Assistance Regulations, 2014*, Sections 35-38; *The Saskatchewan Assured Income for Disability Regulations, 2012*, Sections 37-39; and *The Transitional Employment Allowance Regulations, 2005*, Section 31 & 32.

Appeals to the ***Social Services Appeal Board*** are considered the final step in a three tiered appeal process established under the regulations. The first level of appeal is to the Regional Director and any dissatisfied client may appeal to this level. Once the Regional Director has made a decision, the client has the option of continuing with the appeal should he/she be dissatisfied with the decision. Client appeals to the second level are arranged by the Regional Director and are heard by a Regional Appeal Committee. Depending on the decision of the Regional Appeal Committee, either the client or the Regional Director may choose to continue the appeal to the third and final level, the ***Social Services Appeal Board.***

The decision of the provincial board is final, unless it is not in accordance with the law. Clients and the Ministry may appeal to the Court of Queen's Bench. Clients may also contact the Ombudsman. The Ombudsman cannot change the decision of the board, but can conduct a review and may make recommendations to the ***Social Services Appeal Board*** or the Ministry.

Members of the Board 2015 -2016

The Co-Chairpersons
and Board Members
are independent of the
Ministry of Social Services.

Appointments are made by
Minister's Order.

Gloria Edwards is the appeal
coordinator in Regina.

Susan Ferguson is the appeal
coordinator in Saskatoon.

J. Moser and R. Crone - Co-Chairpersons - --- P. Cooper (retired)
C. Froehlich
J. Lightheart
R. Schellenberg
M. Wallace
J. Leger
N. Osborne
R. Bellamy
G. Dauk
B. Irwin

Location of Hearings

Regional hearings are held by Regional Appeal Committees in the major centres in each region. The five regions are Northwest, Northeast, Centre, Southwest and Southeast of the province. Provincial hearings are held in Regina and Saskatoon, usually with a panel of four to five members. A quorum is three members. During the past year, the Ministry of Social Services approved that provincial appeals may be heard outside of Regina and Saskatoon, when logistically reasonable.

The chairperson, or designate, attends all appeal hearings and conveys in writing to clients the decisions made by the Appeal Board within one week of the hearings. The Board may adjourn and defer a decision if it requires more information. The Board does not require consensus, but does require a majority decision. As part of the decision, the client is always advised of the rationale behind the Board's decision.

Board members consider themselves obliged to adhere to the Regulations of Saskatchewan Assistance Program, Saskatchewan Assured Income for Disability and Transitional Employment Allowance; but believe they have some flexibility in dealing with the internal policy guidelines.

The Board has access to outside legal counsel and on occasion seeks advice regarding decisions.

Co-Chairperson's Comments

The 2015-2016 annual report of the Social Services Appeal Board is available on-line through the link at:
http://www.publications.gov.sk.ca/deplist.cfm?d=17&c=1959

It is our pleasure to present the Social Services Appeal Board 2015 – 2016 Annual Report. The Board and Regional Appeal Committees appreciate the opportunity to be part of the appeal process. The policies and regulations of the Ministry of Social Services are complex and the Board believes it is important that clients of the Ministry and beneficiaries of the SAID program have the opportunity to use the appeal process. Many appeals are based on the recipient's understanding or interpretation of the Ministry's policies or regulations; and at times the Ministry's application of the same. The client's or beneficiary's understanding, at times, does not align with the Ministry's. The outcomes of appeals often become a guide for all parties in determining short term and long term future decisions.

The Board believes the Ministry's revision of Regulations and Policies was a necessary change. We believe these changes to have both immediate and long term benefit. The Board is pleased to report we continue to witness the positive impact resulting from the clarity provided through these changes.

The Board continues to value the semi-annual chair meetings with Ministry staff. The two way communication has proven to be a catalyst for positive change.

In line with last year's comments, the Board recommends that the Ministry continues to encourage and support the use of client advocacy services, not

Co-Chairperson's Comments

..... continued

only during the appeal process, but in assisting clients and beneficiaries with a view to avoiding the need to appeal. It may be worthwhile to explore initiatives with volunteer organizations in this respect.

As previously mentioned, policy and regulations are complex at the best of times and can be difficult for clients and beneficiaries to understand. So, not only can there be comprehension issues, clients and beneficiaries also must deal with the structure and process of appeals, most often with no or minimal presentation skills or experience. An advocate's role then becomes invaluable again to all parties, and even more so when a party to the appeal is faced with challenges presented by medical concerns, lack of education, or diminished capacity.

Another area that may be explored is financial counselling or supports for clients or beneficiaries who are coming into large sums of money by inheritance or other lump sums of cash. The consequences of mismanagement of funds required for self-support can be devastating.

As Board and Committee members, we have firsthand exposure to the challenges experienced by Social Services clients. This puts us in a position to better understand the challenges facing both clients and the Ministry. From this position, we then suggest there would be value in communicating these challenges and solutions to the public at large. We believe this could assist in creating a positive and more accurate view of the role of the Ministry of Social Services.

The Board looks forward to continuing to be part of an evolving and improving service that positively impacts individuals' lives.

Table 1 - Statistics

Number of Regional and Provincial Appeals
2009 – 2010 to 2015 - 2016

	Regional	Provincial
2009 – 2010	370	95
2010 – 2011	454	108
2011 - 2012	319	115
2012 - 2013	440	161
2013 - 2014	314	83
2014 - 2015	267	97
2015 - 2016	228	73

2015 – 2016

- Regional numbers do not include denied or withdrawn.
- Provincial numbers include 2 denied and 3 withdrawn.

Table 2 - Regional Appeals
Location and Disposition 2015 - 2016
Summary by Region

Region	Decision in Favour of Client	Decision in Favour of Ministry	Total
Southwest	16	47	63
Southeast	7	14	21
Centre	12	47	59
Northeast	9	28	37
Northwest	7	41	48
Total	**51**	**177**	**228**

The decision favoured the client 22 % of the time.

Note: Totals may not balance because one appeal may result in more than one decision.

Table 3 - Provincial Appeals

Source of Provincial Appeals

2015 - 2016

Region	Appealed by Client	Appealed by Ministry	Total
Southwest	12	8	20
Southeast	6	3	9
Centre	13	7	20
Northeast	9	1	10
Northwest	8	1	9
Total	**48**	**20**	**68**

Note: 2 requests for appeals were denied
3 appeals were withdrawn
0 request was appealed by both Client and Ministry

Table 4 - Provincial Appeals
Summary by Region
2015 - 2016

Region	Client Sourced Appeals		Ministry Sourced Appeals	
	Decision for Client	Decision Against Client	Decision for Ministry	Decision Against Ministry
Southwest	0	12	7	1
Southeast	0	6	1	2
Centre	0	13	5	2
Northeast	0	9	1	0
Northwest	2	6	0	1
Total	**2**	**46**	**14**	**6**

The number of appeals received and the number of decisions is not equal due to denials and withdrawals.

Table 5 (A) - Social Services Appeal Board

Appeals by Reason 2015 – 2016

Segments represent the SAP, SAID and TEA Regulation appealed

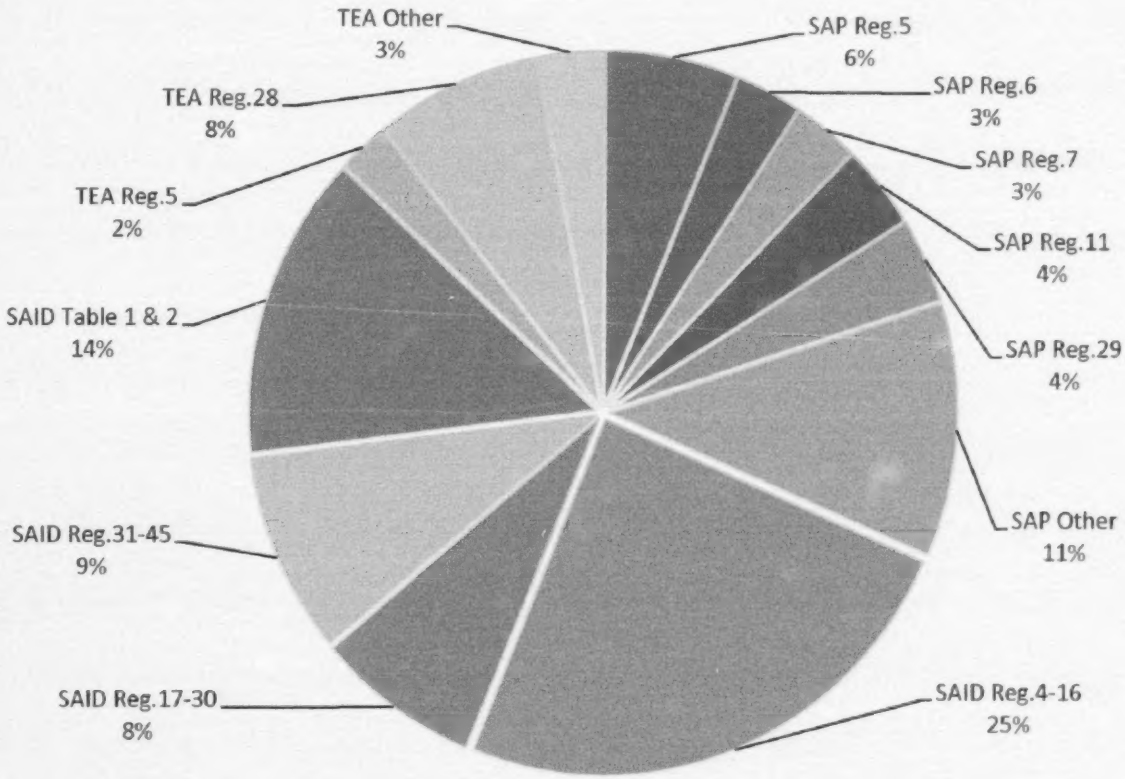

Table 5 (B) - Social Services Appeal Board
Appeals by Reason 2015 – 2016
Definition of the SAP, SAID and TEA Regulation appealed

Saskatchewan Assistance Program	
SAP Reg. 5	• .Eligibility criteria – individuals
SAP Reg. 6	• Eligibility criteria – family units
SAP Reg. 7	• Ineligible individuals
SAP Reg. 11	• Determining monthly income
SAP Reg. 29	• Report of changes, reviews and appeals
SAP Other	• Interpretation, determining assets and eligibility
Saskatchewan Assured Income for Disability	
SAID Reg. 4 to 16	• Eligibility, approval or denial
SAID Reg. 17 to 30	• Benefits and payment of benefits
SAID Reg. 31 to 45	• Report of changes, reviews and appeals
TABLE 1 and 2	• Income/Asset exemptions and benefits
Transitional Employment Allowance	
TEA Reg. 5	• Eligibility of applicant
TEA Reg. 28	• Termination of payment
TEA Other	• Interpretation, budget deficit, reporting changes

Table 6 - Appeal Board Meetings
Provincial Appeals Heard in Regina and Saskatoon

2011-2012 to 2015-2016

	Regina Meetings	Cases Heard	Saskatoon Meetings	Cases Heard
2011 - 2012	13	24	20	81
2012 - 2013	19	80	22	69
2013 - 2014	19	28	15	41
2014 - 2015	17	29	23	53
2015 - 2016	11	29	18	39

Table 7 - The Provincial Ombudsman

Clients who are dissatisfied with the decision of the Social Services Appeal Board may also contact Ombudsman Saskatchewan. The Ombudsman cannot change the decision of the board, but can conduct a review. The Ombudsman may make recommendations to the Social Services Appeal Board or the Ministry to resolve the matter for individual clients and to implement best practices in order to better resolve matters in the future.

Statistics for 2015 – 2016

The following statistics reflect the number of complaints received and closed by the Ombudsman on individual appeal matters. Please note that the number of complaints received may not match the total number of complaints closed because some may be carried over into the next year. It is also possible for a single complaint to contain several issues, each of which may be resolved differently, so this may also increase the number of complaints closed.

Complaints Received	Complaints Closed	CLOSED AS:			
		Initial Support	Resolved	Recommendations Made	No Further Action
4	4	2	1	0	1